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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,094	10/01/2001	Brian Gaudet	0023-0040	4704

44987 7590 09/09/2004

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EXAMINER
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HUYNH, KIM NGOC

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*Supplemental*  
**Office Action Summary**

Application No.

09/966,094

Applicant(s)

GAUDET, BRIAN

Examiner

Kim Huynh

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2004 and decision mailed 8/17/04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-24 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 3-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Per the decision mailed 8/17/04, the restriction requirement of Dec 22 2003 is withdrawn. Claims 1-24 are pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Yu (US 2001/0012288 A1).

Yu discloses (Figs. 6-7) a device for inserting escape character into a multi-byte wide data stream comprising: a gap inserter component configured to receive blocks (data frames, see Fig. 10 received by TX FIFO 18 and par. 78, 98-104) of data from the multi-byte wide data stream (data from physical layer interface 21), the gap insertion component rearranges the bytes of a block of data stream by inserting gaps into the blocks at locations adjacent to predetermined bytes (LAPS frame encapsulation process

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and providing insertion of packet based info per Fig. 4, see par. 78, 159-167, 173, and 178 done via TX LAPS processing 22) and an escape character inserter inserting escape characters (transparency processing or octet stuffing, par. 166, 173-174 and 178) in each of the gaps inserted by the gap insertion component.

Claim 2, Yu discloses the predetermined bytes are bytes having a value coincident with predefined control characters (par. 166 and 178).

Claim 7, the predefined control character is used to delineate between information of the data stream (start/end Flags).

Claim 8, Yu discloses the escape character insert logically exclusive OR each of the bytes that have a value coincident with the predefined control characters with a constant (par. 178, 202-204, constant is 0x20).

***Allowable Subject Matter***

4. Claims 3 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 9-24 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

The allowable subject matter of claims 3 was cited in the previous office action, claim 14 is allowed since it also include the indicated subject matter.

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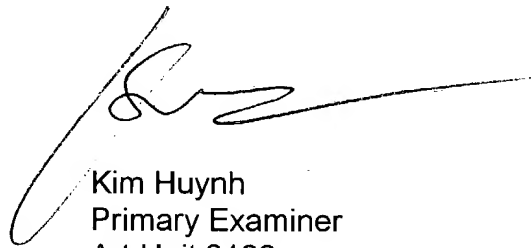
Claims 9 and 23 recites, inter alia, a device for inserting a gap in a data stream having a summing means for generating sums for parallel data units in the data stream and shifting means for shifting the parallel data units based on the generated sum, and means for inserting the gap into the parallel data stream at location required by the via the gap inserter.

The references of record do not teach or suggest the aforementioned limitation, nor would it be obvious to modify those references to include such limitation.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (703) 308-1678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Kim Huynh  
Primary Examiner  
Art Unit 2182

KH  
September 7, 2004

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